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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,449	11/11/2003	Jukka Alve	4208-4147	6693
27123	7590	04/07/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER TRAN, TONGOC	
			ART UNIT	PAPER NUMBER
			2134	
			NOTIFICATION DATE	DELIVERY MODE
			04/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/705,449	Applicant(s) ALVE ET AL.	
	Examiner TONGOC TRAN	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/28/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/4/2008 has been entered. Claims 1, 10, 14 and 15 have been amended. Claims 1-20 are pending for examination.

Response to Arguments

2. Applicant's arguments with respect to independent claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baran et al. (U.S. Patent Application Publication No. 2003/0200548) in view of Candelore (WO 00/59222) and Nagaoka et al. (U.S. Patent Application Publication No.

2003/0137496, hereinafter Nagaoka) and ("Open Mobile Alliance, Digital Rights Management" Version 1.0, September 2002, hereinafter OMA)

With respect to claims 1, 10, 14 and 15, Baran discloses method and system for protecting broadcast digital content comprising:

encrypting digital content with a first key (e.g. Baran, [0209], working key);
encrypting the first key with a second key (e.g. Baran, [0209]), service key);
broadcasting the encrypted digital content and the encrypted first key (e.g. Baran, [0202], DVB, ECM); protecting the second key and assigning rights to the second key (e.g. Baran, [0210]), EMM).

Baran does not disclose but Candelore discloses transmitting the protected second key and the assigned rights to a descrambler integrated device (or a smartcard); sending the encrypted first key from a content protected second key in accordance with the assigned rights; and sending the decrypted first key from the smartcard to the content display device (i.e. "For example, a smart card with a Pay-TV access control application typically receives EMMs which grant certain service entitlements"; "when tuning to a program, the smart card receives ECMs which describe which entitlements the smart card needs in order to grant access to the show", page 3).

Nagaoka discloses a mobile phone MS has the capability of a remote controller for a set-top box STB (e.g. page 4, [0054]). OMA teaches content and/or DRM message are sent to a mobile terminal for key decryption and rights enforcement (OMA, page 7, Fig. 1, DRM methods).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the encrypting of content and key taught by Baran and to modify the use of smartcard as a descrambler to remotely access program at user displayed device taught by Candelore with the use of mobile phone used for remote manipulation of user displayed device via mobile communication network taught by Nagaoka and OMA to accommodate the convenience of plurality of users utilizing one user displayed device for accessing broadcasting program through mobile communication network and providing benefit of conserving bandwidth (Nagaoka, page 4, [0054]).

With respect to claim 2, Baran, Candelore, Nagaoka and OMA disclose the method of claim 1. OMA further discloses sending the encrypted first key from the content display device to the mobile terminal and decrypting the encrypted first key with the protected second key in accordance with the assigned rights and send the decrypted first key from the mobile terminal to the content display device (e.g. OMA, page 8, 4.2, first paragraph).

With respect to claim 3, Baran, Candelore, Nagaoka and OMA disclose the method of claim 1 wherein the second key is protected by encrypting it with a user specific key (e.g. Baran, [0210]).

With respect to claim 4, Baran, Candelore, Nagaoka and OMA disclose the

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method of claim 1 wherein the assigned rights are transmitted in a protected voucher (e.g. Baran, [0210], EMM).

With respect to claims 5, Baran, Candelore, Nagaoka and OMA disclose the method of claim 1 wherein the assigned rights at least include a right to play the encrypted digital content once (e.g. OMA, Fig. 1 DRM methods, separate delivery, rights, “you can play only once”).

With respect to claims 6, Baran, Candelore, Nagaoka and OMA disclose the method of claim 1 wherein the second key is protected in accordance with the Open Mobile Alliance (OMA) standard (e.g. OMA, chapter 4).

With respect to claim 7, Baran, Candelore, Nagaoka and OMA disclose the method of claim 1 wherein an executable application is transmitted to the mobile terminal (e.g. OMA, chapter 4, DRM).

With respect to claim 8, Baran, Candelore, Nagaoka and OMA disclose the method of claim 2 transmitting a protected executable application to the mobile terminal, wherein the protected executable application is decrypted using the second key (e.g. OMA, chapter 4.2).

With respect to claim 9, Baran, Candelore, Nagaoka and OMA disclose the

method of claim 8 wherein the executable application further enables the mobile terminal to decrypt the first key (e.g. OMA, chapter 4.2).

With respect to claim 11, Baran, Candelore, Nagaoka and OMA disclose the method of claim 11 wherein further comprising receiving an executable application at the mobile terminal wherein the executable application enables the mobile terminal to decrypt the second key (e.g. OMA, chapter 4.2).

With respect to claim 12, Baran, Candelore, Nagaoka and OMA disclose the method of claim 11 wherein the executable application further enables the mobile terminal to decrypt the first key (e.g. OMA, chapter 4.2).

With respect to claim 13, Baran, Candelore, Nagaoka and OMA disclose the method of claim 10 further comprising: sending a request for content rights usage from a mobile terminal over a mobile network (e.g. OMA, chapter 4, Fig. 1, DRM methods).

With respect to claim 16, Baran, Candelore, Nagaoka and OMA disclose the system of claim 15 wherein the mobile terminal is further programmed to receive and display content selection choices, and wherein the mobile terminal receives the protected second key and the rights voucher in response to a content request (e.g. OMA, page 7, chapter 4 and page 8, 4.2, first paragraph).

With respect to claim 17, Baran, Candelore, Nagaoka and OMA disclose the system of claim 16. Baran, Candelore, Nagaoka and OMA do not disclose wherein the content request is billed to a billing account associated with the mobile terminal. However, billing content request through mobile billing account is old and well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement mobile billing with viewer control of digital content taught by Baran to provide effective billing services for users.

With respect to claim 18, Baran, Candelore, Nagaoka and OMA disclose the system of claim 15 wherein the short range network is a Bluetooth network (e.g. Baran, [0414]).

With respect to claim 19, Baran, Candelore, Nagaoka and OMA disclose the system of claim 15. Baran, Candelore, Nagaoka and OMA do not explicitly disclose implementing java in the DRM application program. However, implementing java application program is old and well known in distributed network environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Java in the OMA DRM mobile terminal environment taught by OMA for its cross platform advantage.

With respect to claim 20, Baran, Candelore, Nagaoka and OMA disclose the system of claim 15 wherein the rights voucher complies with Open Mobile Alliance

(OMA) Digital Right Management (DRM) and the second key is protected in accordance with OMA DRM (e.g. OMA, chapter 4).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tongoc Tran/

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